



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemaking.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA) the notice is published in the *Register*. The notice is published within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated them. Refer to item #4 to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING**TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE****CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES**

[R15-13]

PREAMBLE

<u>1. Articles, Parts, or Sections Affected (as applicable)</u>	<u>Rulemaking Action</u>
R20-2-101	Amend
Article 9	Amend
R20-2-901	Amend
R20-2-902	Amend
R20-2-903	Amend
R20-2-904	Amend
R20-2-906	Amend
R20-2-907	Amend
R20-2-908	Amend
R20-2-909	Amend
R20-2-910	Amend
R20-2-913	New Section
Article 10	New Article
R20-2-1001	New Section
R20-2-1002	New Section
R20-2-1003	New Section
R20-2-1004	New Section
R20-2-1005	New Section
R20-2-1006	New Section
R20-2-1007	New Section
R20-2-1008	New Section
R20-2-1009	New Section
R20-2-1010	New Section
R20-2-1011	New Section
R20-2-1012	New Section
R20-2-1013	New Section
Table 1	New Table
<u>2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):</u>	
Authorizing statute: A.R.S. § 41-2065(A)(4)	
Implementing statute: A.R.S. §§ 41-2132(I), 41-2134, and 41-2135(H)	



3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 21 A.A.R. 412, March 20, 2015

4. The agency's contact person who can answer questions about the rulemaking:

Name: Michelle Wilson
Address: Department of Weights and Measures
4425 W. Olive Ave., Suite 134
Glendale, AZ 85302
Telephone: (602) 771-4933
Fax: (623) 939-8586
E-mail: Mwilson@azdwm.gov
Web site: www.azdwm.gov

5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

In 2014, the legislature enacted HB2128, which requires that gasoline dispensing sites decommission stage II vapor recovery equipment beginning October 1, 2016. The legislation required the Department, in consultation with the Arizona Department of Environmental Quality and the State Fire Marshal, to establish standards by rule for decommissioning the equipment. Removing the stage II vapor recovery equipment is widely supported by industry because of significant long-term savings from decreased equipment maintenance and testing costs.

Stage II vapor recovery equipment captures air pollutants when customers are filling their vehicles with gasoline. Removing this equipment will not increase air pollutant emissions because vehicles are now equipped with onboard refueling vapor recovery that captures the pollutants, making the stage II vapor recovery at gasoline dispensing sites a redundant technology. Additionally, due to certain incompatibility issues between the two systems, air pollutant emissions have been calculated to increase in 2018, which would be detrimental to air quality, if the stage II equipment is not removed.

A State Implementation Plan revision requiring removal of stage II equipment has been submitted to the EPA for approval. When approved, the requirements in the SIP become federally enforceable.

An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated January 27, 2015.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review and does not propose to rely on any study in its evaluation of or justification for these rules.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

Although there may be an initial cost to owners or operators of gasoline dispensing sites to remove stage II vapor recovery systems safely, there will be significant overall cost savings at the sites resulting from removal of the more expensive equipment. The removal of stage II vapor recovery systems is supported by the regulated industry, including the Arizona Petroleum Marketers Association (APMA) and Western States Petroleum Association (WSPA).

There may also be an initial cost for registered service agencies that do not have the equipment required to perform some of the newly required tests. It is estimated the equipment will cost between \$1,600 and \$3,000. This expense will be offset by the increased business associated with decommissioning stage II vapor recovery systems.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Michelle Wilson
Address: Department of Weights and Measures
4425 W. Olive Ave., Suite 134
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E-mail: Mwilson@azdwm.gov

Web site: www.azdwm.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding regarding the proposed rules will be held as follows:

Date: Wednesday, May 6, 2015

Time: 2:00 p.m.

Location: 4425 W. Olive Ave., Suite 134
Glendale, AZ 85302

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

A.R.S. § 41-2135(H) requires the Director of the Department of Weights and Measures to establish by rule, in consultation with the Department of Environmental Quality and the State Fire Marshal, standards for decommissioning stage II vapor recovery systems. This rulemaking establishes the required standards. The required consultation occurred.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The authority to construct plan approval required under R20-2-904 and R20-2-1104 and the approval of an alternative decommissioning plan under R20-2-913 are general permits consistent with A.R.S. § 41-1037 because they are issued to qualified individuals or entities to conduct activities that are substantially similar in nature.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Air quality is regulated at the federal level by the Clean Air Act. Stage II vapor recovery systems were initially required in certain areas by the 1990 Clean Air Act Amendments. However, the EPA has determined that stage II vapor recovery systems and onboard refueling vapor recovery are redundant technologies. On May 16, 2012, the EPA issued a final rule allowing states to remove stage II vapor recovery system programs from their SIP. This rulemaking is consistent with the federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

The following materials are incorporated at R20-2-901:

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.3C, Determination of Vapor Piping Connections to Underground Storage Tanks (Tie-Tank Test), March 17, 1999 edition

Petroleum Equipment Institute, Recommended Practices for Installation and Testing of Vapor-Recovery Systems and Vehicle-Fueling Sites, PEI/RP300-09, 2009 edition

The following materials are incorporated at R20-2-1001:

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1B, Static Torque of Rotatable Phase 1 Adaptors, October 8, 2003 edition

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1C, Leak Rate of Drop Tube/Drain Valve Assembly, October 8, 2003 edition

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1D, Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves, October 8, 2003 edition

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, October 8, 2003 edition

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.3, Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, July 26, 2012 edition

California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.3C,



Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test), March 17, 1999 edition

13. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES

ARTICLE 1. ADMINISTRATION AND PROCEDURES

Section
R20-2-101. Definitions

ARTICLE 9. GASOLINE VAPOR CONTROL FOR SITES WITH BOTH STAGE I AND STAGE II VAPOR RECOVERY SYSTEMS

Section
R20-2-901. Material Incorporated by Reference
R20-2-902. Exemptions
R20-2-903. Equipment and Installation
R20-2-904. Application Requirements and Process for Authority to Construct Plan Approval
R20-2-906. ~~Fees~~ Fee
R20-2-907. Operation
R20-2-908. Training and Public Education
R20-2-909. Recordkeeping and Reporting
R20-2-910. Annual Inspection and Testing
R20-2-913. Stage II Decommissioning

ARTICLE 10. STAGE I VAPOR RECOVERY SYSTEMS

Section
R20-2-1001. Material Incorporated by Reference
R20-2-1002. Exemptions
R20-2-1003. Equipment and Installation
R20-2-1004. Application Requirements and Process for Authority to Construct Plan Approval
R20-2-1005. Initial Inspection and Testing
R20-2-1006. Fee
R20-2-1007. Operation
R20-2-1008. Training and Public Education
R20-2-1009. Recordkeeping and Reporting
R20-2-1010. Annual Inspection and Testing
R20-2-1011. Compliance Inspection
R20-2-1012. Enforcement
R20-2-1013. Stage II Vapor Recovery
Table 1. Acceptability of Final System Pressure Results for Systems Tested Using TP-201.3

ARTICLE 1. ADMINISTRATION AND PROCEDURES

R20-2-101. Definitions

The definitions in A.R.S. §§ 41-2051, 41-2065, 41-2085, 41-2121, and 41-2131 and the following definitions apply to this Chapter:

1. No change
2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. No change
3. No change



4. “Area A” has the same meaning as in A.R.S. § 49-541.
5. “Area B” has the same meaning as in A.R.S. § 49-541.
- ~~4-6.~~ No change
- ~~5-7.~~ No change
- ~~6-8.~~ No change
- ~~7-9.~~ No change
- ~~8-10.~~ No change
- ~~9-11.~~ No change
 - a. No change
 - b. No change
 - c. No change
- ~~10-12.~~ No change
- ~~11-13.~~ No change
- ~~12-14.~~ No change
- ~~13-15.~~ No change
- ~~14-16.~~ No change
- ~~15-17.~~ No change
- ~~16-18.~~ No change
- ~~17-19.~~ No change
- ~~18-20.~~ No change
- ~~19-21.~~ No change
- ~~20-22.~~ No change
- ~~21-23.~~ No change
- ~~22-24.~~ No change
- ~~23-25.~~ No change
- ~~24-26.~~ No change
- ~~25-27.~~ No change
- ~~26-28.~~ No change
- ~~27-29.~~ No change
- ~~28-30.~~ No change
- ~~29-31.~~ No change
- ~~30-32.~~ No change
- ~~31-33.~~ No change
- ~~32-34.~~ No change
- ~~33-35.~~ No change
- ~~34-36.~~ No change
- ~~35-37.~~ No change
- ~~36-38.~~ No change
- ~~37-39.~~ No change
- ~~38-40.~~ No change

ARTICLE 9. GASOLINE VAPOR CONTROL FOR SITES WITH BOTH STAGE I AND STAGE II VAPOR RECOVERY SYSTEMS

R20-2-901. Material Incorporated by Reference

The following documents are incorporated by reference and on file with the Department. The documents incorporated by reference contain no later amendments or editions:

1. No change
2. No change
3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change



- h. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.3C, Determination of Vapor Piping Connections to Underground Storage Tanks (Tie-Tank Test), March 17, 1999 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
- ~~h.i.~~ No change
- 4. Petroleum Equipment Institute, Recommended Practices for Installation and Testing of Vapor-Recovery Systems and Vehicle-Fueling Sites, PEI/RP300-09, 2009 edition, Petroleum Equipment Institute, P.O. Box 2380, Tulsa, Oklahoma 74101-2380.

R20-2-902. Exemptions

A. The owner or operator of a gasoline dispensing site that has decommissioned the site's stage II vapor recovery system in accordance with R20-2-913 or that is subject to A.R.S. § 41-2132, is exempt from the provisions of this Article but shall comply with the provisions of Article 10.

~~**A.B.**~~ The owner or operator of a gasoline dispensing site that has a throughput that does not exceed the throughput specified in A.R.S. § 41-2135(B) may obtain an exemption from this Article, a person shall submit by submitting a written request to the Department and attest attesting that gasoline throughput at the gasoline dispensing site is not in excess of that specified in A.R.S. § 41-2132(C) 41-2135(B). By the 15th of each month, beginning the month after the Department approves the exemption, the person shall submit a written throughput report to the Department. If a person does not timely file a monthly throughput report or if a monthly throughput report reflects that the exemption limit is exceeded, the Department deems the exemption void.

~~**B.C.**~~ No change

- 1. No change
- 2. No change

~~**C.D.**~~ No change

R20-2-903. Equipment and Installation

A. A person subject to A.R.S. § 41-2135 shall install, maintain, and operate a stage I and stage II vapor recovery system and component as specified in this Article until the stage II vapor recovery system is decommissioned in accordance with R20-2-913.

~~**A.B.**~~ No change

- 1. No change
- 2. No change
- 3. No change

~~**B.C.**~~ No change

~~**C.D.**~~ No change

~~**D.E.**~~ No change

R20-2-904. Application Requirements and Process for Authority to Construct Plan Approval

A. No change

- 1. No change
- 2. No change
- 3. No change

B. No change

C. No change

- 1. No change
- 2. No change
- 3. No change
- 4. No change

5. ~~**A.**~~ The application fee specified under R20-2-906.

D. No change

- 1. No change
- 2. Construction of a stage II vapor recovery system or component at a site not having an approved authority to construct plan, shall be stopped and no further installation work ~~shall be~~ done until an authority to construct plan approval is obtained.
- 3. No change

E. No change

- 1. No change
- 2. No change

F. If excavation is involved, the Department may visually inspect the stage II underground piping of a gasoline dispensing site before the pipeline is buried, for compliance with the authority to construct plan approval. A person who owns or operates a vapor recovery system or component shall give the Department notice by ~~facsimile fax or e-mail~~ at least two business days before the underground piping is complete. The Department shall require the owner or operator to excavate all piping not inspected before burial if the owner or operator does not give the required two business days' notice.

G. No change

H. No change



R20-2-906. Fees Fee

- ~~A.~~ The ~~Authority~~ authority to ~~Construct~~ construct plan approval fee is \$500.
- ~~B.~~ The reinspection fee is \$300, and shall be paid each time an initial or preburial reinspection is required, or when the Department is not timely notified that an inspection is canceled.

R20-2-907. Operation

- A. No change
- B. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall operate ~~a~~ the stage II vapor recovery system and associated components in compliance with the CARB certification for that system and these rules.
- C. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall inspect the system and its components daily. Daily inspections shall include all nozzles, hoses with connecting hardware, ~~Stage~~ stage I fittings, and spill containment.
- D. The owner or operator of a gasoline dispensing site shall immediately stop using a ~~Stage~~ stage II vapor recovery system or component if one or more of the following system or component defects occur:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. No change
 - 11. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - 12. No change
 - 13. The ~~Stage~~ stage I installation is not properly installed or maintained, in that:
 - a. No change
 - b. No change
 - c. Coaxial ~~Stage~~ stage I that is not equipped with a functioning CARB-approved poppeted fill tube, or the coaxial cap is not installed, is missing, broken, or without gaskets; or
 - d. No change
 - 14. No change
 - 15. No change
 - 16. No change
 - 17. No change
 - 18. No change
 - 19. A vacuum assist system with a monitoring system certified by CARB or the ~~Authority~~ authority to ~~Construct~~ construct that is not operational or malfunctions; or
 - 20. Any other component identified in the diagrams, exhibits, attachments or other documents that are certified by CARB or required by the ~~Authority~~ authority to ~~Construct~~ construct for that system is missing, disconnected, or malfunctioning.
- E. The owner or operator of a gasoline dispensing site shall ~~also~~ inspect for the presence and proper placement of public information signs required by A.R.S. § 41-2132(F) 2135(E) and this Article.
- F. For a stage II ~~vacuum-assist~~ vacuum assist vapor recovery system, the owner or operator of a gasoline dispensing site shall immediately place damaged or malfunctioning equipment out of service and shall notify the Department by ~~facsimile fax or e-mail~~ no more than one day after the malfunction of a central vacuum or processor unit. Once the equipment or system is repaired, the owner or operator shall provide written notice within five days of the repair to the Department.
- G. ~~Proper~~ For proper operation of the ~~a~~ stage I system, ~~pursuant to~~ under A.R.S. § 41-2132(D)(C)(4), the owner or operator of a gasoline dispensing site shall ~~include the requirement to~~ recover vapors during pump-out from a gasoline storage tank to a mobile transporter.
- H. ~~Any underground tank tightness test~~ The owner or operator of a gasoline dispensing site shall ensure that any underground tightness test is conducted in a manner so that prevents gasoline vapors are not being emitted to the atmosphere.

R20-2-908. Training and Public Education

- A. Each operator of a gasoline dispensing site using stage II vapor recovery shall obtain adequate training and written instructions to enable the system to be ~~properly~~ installed, operated, and maintained properly in accordance with the



manufacturer's specifications and CARB certification. The operator shall maintain documentation of this training ~~for each operator~~ on-site and ~~make the~~ documentation available to the Department on request.

- B. In addition to the information required in A.R.S. § 41-2132(F) 2135(E), an operator of a gasoline dispensing site with stage II vapor recovery shall display a Department telephone number that the public can call to report nozzle or other equipment problems. The operator shall place the required information on each face of each gasoline dispenser. The headings shall be at least 3/8 inches and shall be readable from up to 3 feet away for decal signs, and from up to 6 feet away for permanent (non-decal) signs. Decals shall be located on the upper 60% of each face of ~~the~~ each dispenser.

R20-2-909. Recordkeeping and Reporting

- A. The owner or operator of a gasoline dispensing site employing stage II vapor recovery shall maintain daily records of the inspections done ~~pursuant to~~ under this Article.
- B. No change
- C. The owner or operator of a gasoline dispensing site that is exempt under A.R.S. § 41-2135(B) from requirements to install and operate stage II vapor recovery equipment, ~~pursuant to A.R.S. § 41-2132(C)~~, shall maintain a log at the site showing monthly throughputs. The owner or operator shall ~~annually~~ submit ~~a copy of these logs representing the previous 12 months throughputs to the Department~~ throughput records to the Department as required under R20-2-902(B). If any throughput requirement provided in A.R.S. § 41-2132(C) 2135(B) and this Article is exceeded for any month, the owner or operator shall notify the Department in writing within 30 days. The owner or operator shall, within six months after the end of the month the throughput is exceeded, install and operate a stage II vapor recovery system conforming to this Article.
- D. ~~At~~ The owner or operator of a gasoline dispensing site shall keep all records required by this Article at the gasoline dispensing site for at least one year and shall make these records available to the Department upon request.

R20-2-910. Annual Inspection and Testing

- A. A person shall ensure that an annual inspection is conducted by a registered service representative on or before the annual inspection date. The annual inspection date is the last day of the month in which the last scheduled annual inspection was performed. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by ~~facsimile fax~~ electronic mail e-mail, whether it approves the annual inspection date and time. The registered service agency shall not perform the annual inspection unless the Department approves the inspection date and time.
- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. A person who cancels a witnessed inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the test to be completed by the annual inspection date. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by ~~facsimile fax~~ electronic mail e-mail, of its approval of the inspection date and time. The Department shall take enforcement action if a person does not comply with this subsection.

R20-2-913. Stage II Decommissioning

- A. The owner or operator of a gasoline dispensing site with a stage II vapor recovery system shall decommission the stage II vapor recovery system in accordance with the following schedule:
1. If the owner or operator holds a license issued by the Department numbered BMF 13676 or less, the owner or operator shall decommission the stage II vapor recovery system between October 1, 2016 and September 30, 2017; or
 2. If the owner or operator holds a license issued by the Department numbered BMF 13677 or more, the owner or operator shall decommission the stage II vapor recovery system between October 1, 2017 and September 30, 2018.
- B. Request for alternate decommissioning plan. The following owners or operators may submit an alternate decommissioning plan requesting to decommission the stage II vapor recovery systems at a time other than would be required under subsection (A)(1) or (A)(2) but no sooner than October 1, 2016 and no later than September 30, 2018. The owner or operator shall submit the alternate decommissioning plan to the Department for approval no later than December 31, 2015.
1. An owner or operator that holds licenses issued by the Department for three or fewer gasoline dispensing sites if all the licenses are issued in the same business name and mailing address. The owner or operator shall ensure that the alternate decommissioning plan includes the information specified in subsections (C)(1) through (4); and
 2. An owner or operator that holds licenses issued by the Department for more than three gasoline dispensing sites if all the licenses are issued in the same business name and mailing address. The owner or operator shall ensure that the alternate decommissioning plan includes the information specified in subsection (C).
- C. An owner or operator that submits a request for approval of an alternate decommissioning plan shall include the following information as specified under subsection (B):
1. The business name and mailing address on all licenses;
 2. The name and telephone number of an individual with whom the Department can communicate;



3. The license number and address of each gasoline dispensing site and a statement of whether the owner or operator proposes to decommission each vapor recovery system between October 1, 2016 and September 30, 2017, or October 1, 2017 and September 30, 2018;
4. A statement of whether all gasoline dispensers at the gasoline dispensing site will be replaced and if so, whether the owner or operator proposes to replace the gasoline dispensers between October 1, 2016 and September 30, 2017, or October 1, 2017 and September 30, 2018; and
5. If the owner or operator owns more than three gasoline dispensing sites, an alternate decommissioning plan that includes:
 - a. The license numbers and addresses of 50 percent of the gasoline dispensing sites at which the vapor recovery systems will be decommissioned between October 1, 2016 and September 30, 2017; and
 - b. The license numbers and addresses of the remaining 50 percent of the gasoline dispensing sites at which the vapor recovery systems will be decommissioned between October 1, 2017 and September 30, 2018.
- D. The Department shall approve or reject, on a first-come-first-served basis, an alternate decommissioning plan within three months after the alternate decommissioning plan is submitted. The Department shall allow decommissioning of stage II vapor recovery equipment at the time gasoline dispensers are replaced as indicated on the request for approval under subsection (C)(4). The Department may reject an alternate decommissioning plan if the information required under subsection (B) is not provided or if the year requested for decommissioning already has more than 60 percent of all gasoline dispensing sites scheduled for decommissioning;
- E. The owner or operator of a gasoline dispensing site that is exempt under R20-2-902 shall decommission the site any time between October 1, 2016, and September 30, 2018;
- F. The owner or operator of a gasoline dispensing site shall ensure that a Notice of Intent, using a form or format provided by the Department, is submitted to the Department at least 10 days before the planned decommissioning and includes the following information:
 1. Name of the owner or operator of the gasoline dispensing site.
 2. Address of the gasoline dispensing site.
 3. Name of decommissioning contractor.
 4. Decommissioning dates.
 5. Name of vapor testing registered service representative, and
 6. A statement whether all gasoline dispensers at the gasoline dispensing site are being replaced.
- G. If any of the information provided under subsection (F) changes, the owner or operator shall ensure that the Department receives the changed information at least 24 hours before the scheduled start of decommissioning.
- H. The owner or operator of a gasoline dispensing site shall ensure that all stage II vapor recovery systems are decommissioned according to the material incorporated by reference in R20-2-901(4) with the following exceptions:
 1. Liquid shall be purged from the vapor piping following disconnection in section 14.6.6;
 2. Vapor piping that is not disconnected from the tank top in accordance with section 14.6.7 shall be disconnected in the future if construction involving excavation that renders the piping accessible is performed; and
 3. The pressure decay test conducted under section 14.6.12 shall meet the requirements in R20-2-1005(A)(1).
- I. The decommissioning contractor shall:
 1. Complete a Decommissioning Checklist using a form or format provided by the Department.
 2. Provide a copy of the completed Decommissioning Checklist to the owner or operator of the gasoline dispensing site at the time of decommissioning, and
 3. Submit a copy of the completed Decommissioning Checklist to the Department within 10 days after decommissioning of the stage II vapor recovery system is complete. Decommissioning of a stage II vapor recovery system is complete on the date and at the time when the gasoline dispensing site resumes sales of motor fuel following decommissioning.
- J. A gasoline dispensing site with a stage II vapor recovery system that is decommissioned is exempt from the annual inspection and testing required under R20-2-910 but shall be subject to the initial inspection and testing prescribed under R20-2-1005 within 60 days after decommissioning is complete.
- K. The requirements in Article 10 apply to all gasoline dispensing sites at which stage II vapor recovery systems have been decommissioned.
- L. The Department shall place out-of-service a gasoline dispensing site at which a stage II vapor recovery system is not decommissioned according to this Section until the gasoline dispensing site is decommissioned and impose civil penalties under A.R.S. § 41-2115 on the owner or operator of the gasoline dispensing site.

ARTICLE 10. STAGE I VAPOR RECOVERY

R20-2-1001. Material Incorporated by Reference

The following documents are incorporated by reference and on file with the Department. The documents incorporated by reference contain no later amendments or editions:

1. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1B, Static Torque of Rotatable Phase 1 Adaptors, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.



2. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1C, Leak Rate of Drop Tube/Drain Valve Assembly, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
3. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1D, Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
4. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves, October 8, 2003 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
5. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.3, Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, July 26, 2012 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
6. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.3C, Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test), March 17, 1999 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.

R20-2-1002. Exemptions

- A. The owner or operator of a gasoline dispensing site at which the site's stage II vapor recovery system has not been decommissioned in accordance with R20-2-913 is exempt from the provisions of this Article but shall comply with the provisions of Article 9.
- B. An owner or operator of a gasoline dispensing site with a gasoline throughput that does not exceed that specified in A.R.S. § 41-2132(B) may file for an exemption from this Article. To obtain an exemption, the owner or operator of the gasoline dispensing site shall submit an annual throughput report to the Department, using a form prescribed by the Department, no later than March 30 of each year and attest to the throughput during each month of the previous calendar year. If the owner or operator fails to file an annual throughput report timely or if the annual throughput report indicates the exemption limit specified in A.R.S. § 41-2132(B) was exceeded, the Department shall deem the exemption void.

R20-2-1003. Equipment and Installation

- A. The Department shall reject a vapor recovery system or component from future installation if:
 1. Federal regulations prohibit its use;
 2. The vapor recovery system or component does not meet the manufacturer's specifications as certified by CARB using test methods approved in R20-2-1001; or
 3. The vapor recovery system or component fails greater than 20% of Department inspections for that system or component or the Department receives equivalent failure results from a vapor recovery registered service agency or from another jurisdiction's vapor recovery program, and the Department provides at least 30 days public notice of its proposed rejection.
- B. The piping of a stage I vapor recovery system shall be designed and constructed as certified by CARB for that specific vapor recovery system. A person shall not alter a stage I vapor recovery system or component from the CARB-certified configuration without obtaining Department approval under R20-2-1004. All components installed with the stage I vapor recovery system shall be certified by CARB or approved by the Department as required under A.R.S. § 41-2132.
- C. If Department inspection or test data reveal a deficiency in a fitting, assembly, or component that cannot be permanently corrected, the deficient fitting, assembly, or component shall not be used in Arizona.
- D. A stage I liquid or vapor spill containment bucket may have a plugged drain rather than a drain valve if a hand-operated pump is kept onsite for draining entrapped liquid.
- E. A stage I vapor recovery system shall have pressure/vacuum (P/V) threaded valves on top of the vent lines for gasoline storage tanks.

R20-2-1004. Application Requirements and Process for Authority to Construct Plan Approval

- A. A person shall not begin to construct a site requiring a stage I vapor recovery system or to make a major modification of an existing vapor recovery system before obtaining approval of an authority to construct plan application. A major modification is:
 1. Adding or replacing a gasoline storage tank that is equipped with a Department approved stage I vapor recovery system;
 2. Modifying, adding, or replacing underground vent piping; or
 3. Conducting construction under R20-2-913(H)(2).
- B. A person shall file with the Department a written change order, using a form provided by the Department, to obtain a modification of the approved vapor recovery system or component if a modification is needed after the Department issues an authority to construct plan approval. The person shall not make any modification until the Department approves the change order.
- C. To obtain an authority to construct plan approval, a person shall submit to the Department, on a form provided by the Department, the following:
 1. The name, address, and telephone number of any owner, operator, and proposed contractor, if known;
 2. The name of the stage I vapor recovery system or component to be installed along with the CARB certification for that system or component;



3. The street address of the site where construction or major modification will take place with an estimated timetable for construction or modification;
 4. A copy of a blueprint or scaled site plan for the vapor recovery system or component including all stage I vapor recovery equipment and stage I vapor recovery piping detail; and
 5. The application fee specified under R20-2-1006.
- D.** A person shall ensure that an installed or modified stage I vapor recovery system meets the following requirements:
1. Has CARB-certified product and vapor adaptors that prevent loosening or over-tightening of the stage I product and vapor adaptors;
 2. Consists of a two-point stage I system with separate fill and vapor connection points. Coaxial stage I vapor recovery systems shall not be used;
 3. Has a submerged fill pipe that has the fill pipe's highest point of discharge no more than six inches from the tank bottom;
 4. Has no tank containing motor fuel other than gasoline connected to the vapor piping;
 5. Uses cement that is resistant to deterioration from exposure to water, hydrocarbons, and alcohol to join all pipes;
 6. Has tank vent pipes that extend at least 12 feet above the elevation of the stage I fill points;
 7. Has tank vent pipes with a minimum inside diameter of:
 - a. Two inches if the pipe is not manifolded, or
 - b. Three inches from the point of manifold if the pipe is manifolded;
 8. Has pressure vacuum vent valves that are attached to the tank vent pipes by a threaded connection;
 9. If a gasoline tank is installed in an enclosed vault, has an emergency vent in addition to the pressure vacuum vent valve required under subsection (D)(8);
 10. Has a one-eighth inch treaded tap on the vent pipe between six and eight feet above ground level;
 11. Has risers into gasoline storage tanks that are capped with UL-approved caps;
 12. Has lead wires for instrumentation that pass through a leak-tight grommet with a compression fitting suitable for exposure to gasoline vapors;
 13. Has storage tank vent pipes and fill and vapor manhole tops that are painted a color that minimizes solar gain and has a reflective effectiveness of at least 55 percent. Reflectivity shall be determined by visually comparing the paint with paint-color cards obtained from a paint manufacturer that uses the Master Pallet Notation to specify the paint color (i.e. 58YY 88/180 where the number in italics is the paint reflectivity). Examples of colors have a reflective effectiveness of at least 55 percent include, but are not limited to, yellow, light gray, aluminum, tan, red iron oxide, cream or pale blue, light green, glossy gray, light blue, light pink, light cream, white, silver, beige, tin plate, and mirrored finish. A manhole cover that is color coded for product identification is exempt from this subsection; and
 14. Complies with other requirements outlined in the authority to construct permit.
- E.** After review and approval of the authority to construct plan, the Department shall issue the authority to construct plan approval and mail, fax, or e-mail the plan approval to the address indicated on the application.
1. A copy of the authority to construct plan approval shall be maintained at the facility during construction so that it is accessible for Department review.
 2. Construction of a stage I vapor recovery system or component at a site not having an approved authority to construct plan, shall be stopped and no further installation work done until an authority to construct plan approval is obtained.
 3. An authority to construct plan approval is not transferable.
- F.** The Department shall deny an authority to construct plan for any of the following reasons:
1. Providing incomplete, false, or misleading information; or
 2. Failing to meet the requirements stated in this Chapter.
- G.** If excavation is involved, the Department may visually inspect the stage I underground piping of a gasoline dispensing site before the piping is buried for compliance with the authority to construct plan approval. The owner or operator of a vapor recovery system or component shall give the Department notice by fax or e-mail at least two business days before the underground piping is complete to schedule the inspection. The Department may require the owner or operator to excavate all piping not inspected before burial if the owner or operator does not give the required two business days' notice.
- H.** After construction is complete, a person who has a valid authority to construct plan approval may dispense gasoline for up to 90 days before final approval if an initial inspection is scheduled according to R20-2-1005.
- I.** An authority to construct plan approval expires one year from the date of issue or the completion of construction, whichever is sooner.

R20-2-1005. Initial Inspection and Testing

- A.** Within 10 days after beginning the dispensing of gasoline at a site that requires an authority to construct plan approval, a person shall provide the Department with a written certification of completion by the contractor and schedule an inspection that includes tests and acceptance criteria specified in the authority to construct plan approval and this subsection. The inspection shall be witnessed by the Department at a time approved by the Department and include the following tests:
1. A pressure decay test for each vapor control system including underground storage tanks and tank vents using CARB TP-201.3 test procedures. All test procedures pertaining to stage I vapor recovery systems shall be followed



except the post-test procedures in section 8 and the calculations in section 9 of the CARB TP-201.3 test procedures. The compliance status of the site shall be determined by comparing the final five-minute pressure with the minimum allowable final pressure in Table 1. A calculated ullage exceeding that listed in Table 1 shall be rounded up to the next higher ullage volume in the table;

2. A test of each pressure vacuum vent valve using CARB TP-201.1E test procedures;
3. A Tie-Tank test using CARB TP-201.3C test procedure; and
4. Procedures specified by a manufacturer or CARB for testing the vapor recovery system.

- B.** If there is a difference between a testing contractor's and the Department's test results, the Department's test results prevail.
- C.** If a site fails to pass any of the tests required by subsection (A), the affected vapor recovery system or component shall remain out-of-service until the vapor recovery system and component pass all the appropriate tests in subsection (A).
- D.** A person who cancels an initial inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the inspection within 10 business days after this notification. The Department shall take enforcement action if a person fails to comply with this Section.
- E.** A person shall notify the Department when a vapor recovery system or component is repaired after failing an initial inspection. A registered service representative shall not proceed with a reinspection until the Department approves the reinspection date and time.
- F.** If a registered service representative does not start an initial inspection pressure decay test within 30 minutes of the scheduled start time, the Department shall fail the initial inspection of that site.
- G.** If a person cancels an initial inspection, the person shall reschedule the inspection within 90 days from the date gasoline was first dispensed.
1. The Department shall take enforcement action if the person fails to timely reschedule the inspection.
 2. The registered service agency shall notify the Department in writing at least 10 business days before the inspection of the time, date, and location of the inspection.
 3. The Department shall notify the registered service agency within five business days, by fax or e-mail, whether it approves the inspection date and time.

R20-2-1006. Fee

The authority to construct plan approval fee is \$500.

R20-2-1007. Operation

- A.** The owner or operator of a gasoline dispensing site with stage I vapor recovery shall not transfer or permit the transfer of gasoline into any gasoline storage tank subject to this Article unless stage I vapor recovery equipment is installed, maintained, operating, and being used according to the requirements of A.R.S. Title 41, Chapter 15, Article 7, and this Article.
- B.** The owner or operator of a gasoline dispensing site with stage I vapor recovery shall operate the stage I vapor recovery system and associated components in compliance with the CARB certification or Department approval under A.R.S. § 41-2132 for that system and these rules.
- C.** The owner or operator of a gasoline dispensing site with stage I vapor recovery located in area A shall inspect the system and its components at least once every seven days. The inspections shall include all stage I fittings and spill containment.
- D.** The owner or operator of a gasoline dispensing site shall immediately stop using a stage I vapor recovery system or component if one or more of the following system or component defects occur:
1. Tank vent pipes are not the proper height or are not properly capped with approved pressure and vacuum vent valves;
 2. Vent pipes do not meet the CARB-specified paint color code specified in R20-2-1004(D)(13);
 3. The stage I vapor recovery system is not properly installed or maintained as evidenced by the following:
 - a. Spill containment buckets are cracked, rusted, or not clean and empty of liquid; sidewalls are not attached or are otherwise improperly installed; and drain valves are non-functioning or do not seal;
 - b. A fill adaptor collar or vapor poppet (drybreak) is loose, damaged, or has a fill or vapor cap that is not installed or is missing, broken, not securely attached, or missing gaskets;
 - c. Coaxial stage I is not equipped with a functioning CARB-approved poppeted fill tube or the coaxial cap is not installed or is missing, broken, not securely attached, or missing gaskets; or
 - d. A fill tube is missing, broken, or not sealed; has holes or damaged overfill prevention; or the high point of the bottom opening is more than six inches above the tank bottom;
 4. The tank rise cap with instrument lead wire for an electronic monitoring system is not installed tightly or any other tank riser is not sealed and capped securely;
 5. An above-ground storage tank does not display a permanently attached UL approval plaque; or
 6. Any other component identified in the diagrams, exhibits, attachments, or other documents and certified by CARB or required by the authority to construct permit for that system is missing, disconnected, or malfunctioning.
- E.** For proper operation of a stage I system under A.R.S. § 41-2132(C)(4), the owner or operator of a gasoline dispensing site shall recover vapors during pump-out from a gasoline storage tank to a mobile transporter.
- F.** The owner or operator of a gasoline dispensing site shall ensure that any underground tightness test is conducted in a manner that prevents gasoline vapors being emitted to the atmosphere.

**R20-2-1008. Training and Public Education**

Each operator of a gasoline dispensing site using stage I vapor recovery shall obtain adequate training and written instructions to enable the system to be installed, operated, and maintained properly in accordance with the manufacturer's specifications and CARB certification. The operator shall maintain documentation of this training on-site and make the documentation available to the Department on request.

R20-2-1009. Recordkeeping and Reporting

- A.** The owner or operator of a gasoline dispensing site employing stage I vapor recovery in area A shall maintain records of the inspections done under R20-2-1007.
- B.** The owner or operator of a gasoline dispensing site employing stage I vapor recovery in area A shall maintain a log and related records of all regularly scheduled maintenance and any repairs that have been made to stage I equipment.
- C.** The owner or operator of a gasoline dispensing site that is exempt under A.R.S. § 41-2132(B) from requirements to install and operate stage I vapor recovery equipment shall maintain a log at the site showing monthly throughputs. The owner or operator shall make the log available to the Department within 24 hours after request. The owner or operator shall submit to the Department the throughput information required under R20-2-1002(B). If any throughput requirement provided in A.R.S. § 41-2132(B) and this Article is exceeded for any month, the owner or operator shall notify the Department in writing within 30 days. The owner or operator shall, within six months after the end of the month the throughput is exceeded, install and operate a stage I vapor recovery system conforming to this Article. If a stage I vapor recovery system is already installed, the owner or operator shall have the system tested under R20-2-1010 within 30 days after the end of the month in which the throughput was exceeded.
- D.** The owner or operator of a gasoline dispensing site that has decommissioned a stage II vapor recovery system under R20-2-913 shall maintain a copy of the decommissioning checklist required under R20-2-913(I) for three years.
- E.** Except as specified in subsection (D), the owner or operator of a gasoline dispensing site shall keep all records required by this Article at the gasoline dispensing site for at least one year and shall make these records available to the Department upon request.

R20-2-1010. Annual Testing and Inspection

- A.** A person shall ensure that an annual inspection is conducted by a registered service representative on or before the annual inspection date. The annual inspection date is the last day of the month in which the last scheduled annual inspection was performed. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by fax or e-mail, whether it approves the annual inspection date and time. The registered service agency shall not perform the annual inspection unless the Department approves the inspection date and time.
- B.** The annual inspection shall include the tests defined in R20-2-1005(A)(1) through (3) that pertain to the specific vapor recovery system installed.
- C.** To verify proper operation of a vapor recovery system, the Department may perform or may require registered service representatives to perform additional tests under R20-2-1005(A)(4) during the annual inspection and testing. The Department shall provide registered service agencies with six months' notice before requiring additional annual testing under R20-2-1005(A)(4).
- D.** If there is a difference between a testing contractor's and the Department's test results, the Department's test results prevail.
- E.** If a site fails to pass any of the tests required under subsection (B), the affected vapor recovery system or component shall remain out-of-service until the vapor recovery system and component pass all tests required under subsection (B).
- F.** After an annual inspection begins, a person shall not make a repair to the vapor recovery system or component until the results of the inspection are recorded.
- G.** A person shall notify the Department when a vapor recovery system or component is repaired after failing an annual inspection. A registered service representative shall not conduct a reinspection until the Department approves the reinspection date and time.
- H.** A registered service representative shall perform all tests according to this Article and any other vapor recovery procedure the Department issues to registered service agencies.
- I.** A person that cancels an annual inspection shall notify the Department by calling the Department's designated telephone number at least one hour before the scheduled inspection and shall reschedule the test to be completed by the annual inspection date. A registered service agency shall notify the Department in writing at least 10 business days before an annual inspection of the time, date, and location of the inspection. The Department shall notify the registered service agency within five business days, by fax or e-mail, of its approval of the inspection date and time. The Department shall take enforcement action if a person does not comply with this subsection.
- J.** Gasoline dispensing sites located in area B are exempt from the annual inspection and testing requirements of this Section.

R20-2-1011. Compliance Inspections and Additional Test Methods

The Department shall not announce when it plans to conduct a compliance inspection of a stage I vapor recovery system or component. If results of a compliance inspection reveal a violation of A.R.S. Title 41, Chapter 15, or this Article, the Department shall require the vapor recovery system or component to undergo an appropriate test as specified in R20-2-1010.

R20-2-1012. Enforcement

If the Department finds that a stage I vapor recovery system or component is defective or non-compliant with one or more of the provisions of this Chapter or A.R.S. Title 41, Chapter 15, the Department shall issue to the owner or operator an admin-



administrative order and place a stop-sale, stop-use tag on the non-compliant vapor recovery system or component. The owner or operator may be required to schedule an inspection for a stage II vapor recovery system or component to ensure that it meets all requirements of A.R.S. Title 41, Chapter 15 and this Chapter before the vapor recovery system or component is placed in service.

R20-2-1013. Stage II Vapor Recovery

If the Department identifies a gasoline dispensing site operating a stage II vapor recovery system within an ozone nonattainment area designated as moderate, serious, severe, or extreme by the EPA under section 107(d) of the Clean Air Act or in area A after September 30, 2018, the Department shall issue an administrative order and civil penalty under A.R.S. § 41-2115 and require that the stage II vapor recovery system be decommissioned within three months after identification. Each day the stage II vapor recovery system is not decommissioned after the time specified in the administrative order constitutes a separate violation for the purpose of calculating the civil penalty under A.R.S. § 41-2115.

Table 1. Acceptability of Final System Pressure Results for Systems Tested Using TP-201.3

<u>Ullage (gallons)</u>	<u>Minimum Pressure after Five Minutes (Inches Water Column)</u>
<u>500</u>	<u>0.73</u>
<u>550</u>	<u>0.80</u>
<u>600</u>	<u>0.87</u>
<u>650</u>	<u>0.93</u>
<u>700</u>	<u>0.98</u>
<u>750</u>	<u>1.03</u>
<u>800</u>	<u>1.07</u>
<u>850</u>	<u>1.11</u>
<u>900</u>	<u>1.15</u>
<u>950</u>	<u>1.18</u>
<u>1000</u>	<u>1.21</u>
<u>1200</u>	<u>1.32</u>
<u>1400</u>	<u>1.40</u>
<u>1600</u>	<u>1.46</u>
<u>1800</u>	<u>1.51</u>
<u>2000</u>	<u>1.56</u>
<u>2400</u>	<u>1.62</u>
<u>2600</u>	<u>1.65</u>
<u>2800</u>	<u>1.67</u>
<u>3000</u>	<u>1.69</u>
<u>3500</u>	<u>1.73</u>
<u>4000</u>	<u>1.76</u>
<u>4500</u>	<u>1.79</u>
<u>5000</u>	<u>1.81</u>
<u>6000</u>	<u>1.84</u>
<u>7000</u>	<u>1.86</u>
<u>8000</u>	<u>1.88</u>
<u>9000</u>	<u>1.89</u>
<u>10000</u>	<u>1.90</u>
<u>15000</u>	<u>1.93</u>
<u>20000</u>	<u>1.95</u>
<u>25000</u>	<u>1.96</u>